

§ 1615.63

only substantive change made to the standard involves the amendment necessary to include the sampling plan.”

(c) The Notice of Amendment did not repeat the language in the original 1971 Notice of Standard relative to items in inventory or as to recordkeeping requirements.

(d) Questions have arisen under this standard as to the application of the standard to goods manufactured outside the United States prior to the effective date of the standard on July 29, 1972, as to whether a person claiming the exemption specified in the standard must maintain records showing eligibility for exemption from the standard.

(e) In the Commission’s view, the provisions of the July 29, 1971, Notice of Standard as to exemption of items of children’s sleepwear in inventory or with the trade on the effective date of the standard and as to the necessity of maintenance of records to show eligibility for such exemption are in full force and effect.

NOTE: This policy was published by the Federal Trade Commission on January 31, 1973 (38 FR 3014). It continues in effect.

§ 1615.63 Policy regarding garment production unit identification.

No provision of §1615.31(b)(8) prohibits placement of a garment production unit identification on a label containing other information. Provided, however, that when the garment production unit identification appears on a label containing other information, provisions of §1615.31(b)(7) require that the garment production unit identification must be set forth separately from any other information appearing on the same label, and that information not required by the applicable enforcement regulation §1615.31, but placed on the same label with the garment production unit identification, shall not interfere with the garment production unit identification.

§ 1615.64 Policy to clarify scope of the standard.

(a) The Standard for Flammability of Children’s Sleepwear: Size 0 Through 6X (16 CFR part 1615) is applicable to any item of children’s sleepwear in sizes 0 through 6X.

16 CFR Ch. II (1–1–03 Edition)

(1) The term *item* is defined in the Standard at §1615.1(d) to mean “any product of children’s sleepwear, or any fabric or related material intended or promoted for use in children’s sleepwear.”

(2) The term *children’s sleepwear* is defined in the Standard at §1615.1(a) to mean “any product of wearing apparel up to and including size 6X, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities relating to sleeping. Diapers and underwear are excluded from the definition.”

(b) The Commission makes the following statement of policy regarding (1) the phrase “intended or promoted” as used in the definition of “item” in §1615.1(d), and (2) the phrase “intended to be worn primarily for sleeping or activities related to sleeping” as used in the definition of “children’s sleepwear” in §1615.1(a).

(c) For enforcement purposes, the meaning of these phrases will be interpreted by the Commission in accordance with the following principles:

(1) *Sleepwear fabrics and related materials.* Whether fabric or related material is “intended or promoted” for use in children’s sleepwear depends on the facts and circumstances in each case. Relevant factors include:

(i) The nature of the fabric and its suitability for use in children’s sleepwear;

(ii) The extent to which the fabric or a comparable fabric has been sold to manufacturers of children’s sleepwear for use in the manufacture of children’s sleepwear garments; and

(iii) The likelihood that the fabric will be used primarily for children’s sleepwear in a substantial number of cases.

(2) *Sleepwear garments.* Whether a product of wearing apparel is “intended to be worn primarily for sleeping or activities related to sleeping” depends on the facts and circumstances present in each case. Relevant factors include:

(i) The nature of the product and its suitability for use by children for sleeping or activities related to sleeping;

(ii) The manner in which the product is distributed and promoted; and